

1 Bradley S. Keller, WSBA #10665
2 Ralph E. Cromwell, Jr., WSBA #11784
3 Byrnes Keller Cromwell LLP
4 1000 Second Avenue, 38th Floor
5 Seattle, WA 98104
6 (206) 622-2000
7 Facsimile No.: (206) 622-2522

8 Attorneys for Perkins Coie LLP
9 and Lowell Ness

The Honorable Frederick P. Corbit
Chapter: 7

10 UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF WASHINGTON

12 In Re:
13 GIGA WATT, INC.,
14 Debtor.

No. 18-03197-FPC7

**PERKINS STATEMENT
REGARDING OBJECTION OF THE
UNSECURED CREDITORS
COMMITTEE**

15 At the Trustee's request, Perkins is filing this brief statement regarding the objections of the
16 Unsecured Creditor's Committee that it has additional information that should be explored before
17 settlement between Perkins and the Trustee is approved. Although no explanation is given regarding
18 the nature of this additional information, it is very unlikely that Perkins would have paid any
19 additional sums to the Trustee in settlement based on this unidentified information.
20

21 In the spring of 2018, the law firm of Wilson Sonsini imaged virtually all of the data then
22 existing in the electronic files of the debtor, Giga Watt, Inc. This data, consisting of approximately
23 1.2 terabytes of information, was eventually produced by the Trustee in this litigation. Counsel for
24 Perkins, with the aid of computer assisted searches, spent months reviewing this data before
25 engaging in settlement negotiations. As a result, Perkins entered settlement discussions with
26

1 carefully derived views about the merits of the Trustee's case, based on extensive documentation
2 contained in the 1.2 terabytes of files produced by the debtor, and from other sources, such as
3 documents obtained from third parties and informal interviews of potential witnesses. Moreover, the
4 settlement process itself was comprehensive, occurring over months with the assistance of a United
5 States Bankruptcy Judge as mediator.

6
7 Perkins will not explicate all of the problems faced by the debtor in pursuing its claims
8 because the point is not to re-argue the merits which are now settled. Rather, the point is simply that
9 Perkins negotiated the settlement being submitted for approval on the basis of very extensive
10 evidence which was carefully considered. Whatever additional facts the Unsecured Creditor's
11 Committee purports to now have, it almost certainly would not have changed the total mix of the
12 information on which Perkins based its decisions.

13
14 There is no need to further delay resolving this matter to allow speculative investigations of
15 information that would not have made a difference to Perkins. At this point, the settlement process
16 has dragged on for months and should be promptly concluded for the benefit of all concerned.

17 DATED this 29th day of September, 2023.

18 BYRNES KELLER CROMWELL LLP

19 By /s/ Ralph E. Cromwell, Jr.
20 Ralph E. Cromwell, Jr., WSBA #11784
21 1000 Second Avenue, 38th Floor
22 Seattle, WA 98104
23 Phone: (206) 622-2000
24 Fax: (206) 622-2522
25 Email: rcromwell@byrneskeller.com
26 *Attorneys for Perkins Coie LLP and
Lowell Ness*

MUNDING, P.S.

By /s/ John Munding
John Munding, WSBA #21734
309 E. Farwell Rd., Suite 310
Spokane, Washington 99218
Phone: (509) 590-3849
Fax: (509) 624-6155
Email: john@mundinglaw.com
*Attorneys for Perkins Coie LLP and
Lowell Ness*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 29th day of September, 2023, I electronically filed the foregoing
3 with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice
4 of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.
5 The NEF for the foregoing specifically identifies recipients of electronic notice.

6 By /s/ Ralph E. Cromwell, Jr.
7 Ralph E. Cromwell, Jr.
8 1000 Second Avenue, 38th Floor
9 Seattle, Washington 98104
10 Phone: 206-622-2000
11 Fax: 206-622-2522
12 Email: rcromwell@byrneskeller.com
13
14
15
16
17
18
19
20
21
22
23
24
25
26